

AN ORDINANCE ESTABLISHING THE JERSEY CITY OPEN DATA INITIATIVE

WHEREAS – The City of Jersey City is dedicated to making all information concerning government operations freely available to all citizens; and

WHEREAS – Data concerning government operations have been, are being, or will be, converted to electronic format for efficiency of operations and increased transparency of governmental operations; and

WHEREAS – Allowing the public open access to government data increases government efficiency, reduces both corruption and the appearance of corruption in government, enhances accountability of city officials, increases citizen trust, involvement and participation in city affairs, educates citizens about the government affairs, and creates economic development opportunities in Jersey City;

NOW, THEREFORE, BE IT ORDAINED, by the Municipal Council of the City of Jersey City, that (title number) is enacted as follows:

Section I – Definitions

As used in this ordinance:

A. **“Agency”** means any office, administration, department, division, bureau, commission, or other governmental entity performing a governmental function of the City of Jersey City. “Agency” shall also include any autonomous agencies created by the City, including but not limited to the Jersey City Economic Development Corporation, the Jersey City Housing Authority, the Jersey City Incinerator Authority, the Jersey City Municipal Utilities Authority, the Jersey City Parking Authority, the Jersey City Free Public Library, and the Jersey City Redevelopment Agency. If an Agency has contracted out any of its functions to a private contractor, said contractor will be considered an “Agency” to the extent it is performing the Agency's functions.

B. **“Data”** means any digital information

1. (a) in a structured, statistical, or alphanumeric form that can be digitally transmitted or processed;
or
(b) in an unstructured, factual, or content form that can be digitally transmitted or processed;
2. regularly created or maintained by or on behalf of and owned by an agency that records a measurement, transaction, or determination related to the mission of the agency.

C. **“Data Set”** means a named collection of related records on an electronic storage device, with the collection containing individual data units organized or formatted in a specific and prescribed way, and is maintained in electronic format by or on behalf an agency. For purposes of this ordinance, any data or data set compiled or obtained by any employee or contractor of an Agency as defined in Section I A of this ordinance but maintained on an electronic server or storage facility not within the command and control of the Agency or not owned by the City of Jersey City shall be presumed to be either “data” or a “data set” within the scope of this ordinance.

D. **"Determination"** means any final decision made by an agency with respect to a person, including, but not limited to: (1) eligibility for services or benefits; (2) issuing a permit; (3) registration, certification and licensing; (4) the final determination and details of any contract awarded by the City or an Agency of the City and (5) liability for civil and criminal penalties.

E. **"Measurement"** means to quantify by means of comparison to a reference standard any characteristic of an observable event, occurrence or object.

F. **"Metadata"** means information about data which includes but is not limited to a) the means of creation of the data, b) the time and date of the creation, c) the author of the data, d) the computer network location where the data were created, and e) the technical standards used in the creation of the data.

G. **"Open Standard"** means a technical standard developed and maintained by a voluntary consensus standards that is available to the public without royalty or fee.

H. **"Technical Standard"** means (1) the common and repeated use of rules, conditions, guidelines or characteristics for products or related processes and production methods, and related management systems practices; and (2) (i) the definition of terms; (ii) classification of components; (iii) delineation of procedures; (iv) specifications of dimensions, materials, performance, designs or operations; (v) measurement of quality and quantity in describing materials, processes, products, systems, services or practices; (vi) test methods and sampling procedures; or (vii) descriptions of fit and measurements of size or strength.

I. **"Transaction"** means any interaction between an agency and any person related to the mission of an agency

J. **"Voluntary Standards Consensus Body"** means a domestic or international organization that develops and maintains a technical standard that utilizes a transparent deliberative process, permits the participation of any party, and achieves general consensus, although not necessarily unanimity, of the participating parties, including a process for attempting to resolve any differences in viewpoint.

Section II – Creation Of Data Portal

Within 90 days of the date of this ordinance, the City shall create a data portal on its website through which the public may access all data and data sets published pursuant to Section III of this ordinance. Public access to the data portal will be free of charge and will not require a license or any form of registration to use. The data portal will be created according to open standard.

Section III – Electronic Publication Of Data

Within one year of the date of this ordinance, each city agency shall:

A. Publish all available data and data sets in electronic form on the City's website through the city's data portal.

B. Publish any future data entered or recorded by the city simultaneously through the data portal when entered or recorded by the city for its own records.

C. Provide a schedule during which all archived data not in electronic form will be converted to electronic form and published through the city's data portal. Archived data will be converted to electronic format as soon as practicable, and in no event later than 3 years from the date of this ordinance.

Section IV – Format of Data

All data or data sets published pursuant to Section III shall be published in a non-proprietary, searchable, sortable, platform-independent, machine-readable format. All data or data sets shall include available metadata. To the greatest extent practicable, the City shall assign unique identifiers to all data and data sets. The City shall not place any restrictions on third-party reuse of data or data sets. The City shall not provide to third parties any copies, records or logs of the identities or IP addresses of individuals accessing the data, data sets, or data portal, with the exception of a valid law enforcement purpose.

Section V – Exemptions

A. An agency may exempt from publication any data or data set that would be exempt from disclosure based on any exemption set forth in the New Jersey Open Public Records Act, N.J.S.A. 47:1A-1 et seq.

B. In determining whether any data or data set is exempt from publication under any exemption, the agency shall balance the interests of the public in receiving such data with the interests protected by the exemption.

C. If an agency determines that any data or data set is exempt from publication, it shall publish a statement, posted in a section of the city's data portal, specifying for each data and/or data set the basis for being withheld from disclosure.

D. If any data or data set contains information which falls under an exemption, the agency shall, to the maximum extent feasible, redact any exempt information and publish the remaining non-exempt information.

Section VI – Response to Open Public Records Act Requests

A. The City shall, on its data portal, publish all requests received under the Open Public Records Act, the date of each request and its responses to any request. Personally identifying information of any individual making such a request will be redacted. The city shall not redact any information for requests made by a corporation or other organization.

B. In responding to a request under the Open Public Records Act, the agency shall, in gathering any responsive records to such a request, convert such records into electronic format and publish them as data pursuant to Section III of this ordinance.

Section VII - Mandatory Electronic Filing For Business With The City

- A. Except as otherwise prohibited by State or Federal Law, all applications to do business with Jersey City or any Agency thereof, including but not limited to bids for contracts, responses to requests for proposal or request for qualification, permit applications, applications for permission to act, and submissions to any Agency or commission, shall be filed electronically with the city in a non-proprietary, searchable, sortable, platform-independent, machine-readable format.
- B. Any filing under subsection A shall be published on the Data Portal.
- C. To the extent State or Federal law prohibits filing or publication in the manner prescribed in this section, the City shall publish such data on the Data Portal as soon as such publication is permitted by State and Federal Law.

Section VIII - Open Source Software

The city shall, when updating, revising, or replacing existing software, or when considering new applications, will place open source software on an equal footing with commercial systems during procurement cycles.

Section IX – Open Data Advisory Committee

- A. There is hereby created an Open Data Advisory Committee which shall advise the city on matters related to the implementation and administration of this ordinance.
- B. The committee shall meet no less than once every three months.
- C. The committee shall consist of nine members, and shall include:
1. The mayor, or his or her designee.
 2. An employee of the City's Information Technology Department
 3. A member of the city council.
 4. 6 Members of the Public reflecting the diverse communities of Jersey City.
- D. Members appointed pursuant to subsection C(1) and (C)(2) of this Section shall serve at the pleasure of the mayor. Members appointed pursuant to subsection (C)(3) of this Section shall serve according to the appointment process of the council. Members appointed pursuant to subsection (C)(4) of this Section shall be appointed by the Mayor with the advice and consent of the City Council. Members shall be appointed to staggered three years terms. Upon the enactment of this legislation, 2 individuals will be appointed to a one year term, 2 individuals will be appointed to a two year term, and two individuals will be appointed to a three year term. Upon the expiration of each member's term, any subsequent appointment will be a three year term. The mayor, with the advice and consent of the council, shall fill any vacancies by appointing an individual for the remainder of any unexpired term.
- E. At its first meeting of any calendar year, the committee shall elect a chairperson to preside over all meetings. The chairperson shall be one of the members appointed pursuant to subsection (C)(4) of this Section. The committee may have such other officers as it deems necessary.

F. No member shall receive any compensation for their service to or membership on the committee.

G. The committee will keep records of its meetings. Said meetings will be published on the City's data portal.

H. The committee shall have authority to issue rules and regulations concerning the implementation of this ordinance.

Section X – Effective Date

This ordinance becomes effective immediately on the date of its enactment.